

Holmell, T

NOV 30 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE STATE STREET BANK AND
TRUST CO. FIXED INCOME FUNDS
INVESTMENT LITIGATION

This Document Relates To:

APOGEE ENTERPRISES, INC., ON
BEHALF OF THE APOGEE
ENTERPRISES, INC. 401(K)
RETIREMENT PLAN,

Plaintiff,

v.

STATE STREET BANK AND TRUST
COMPANY; AND ING
INSTITUTIONAL PLAN SERVICES
LLC, FORMERLY KNOWN AS
CITISTREET LLC,

Defendants.

ING INSTITUTIONAL PLAN SERVICES
LLC, FORMERLY KNOWN AS
CITISTREET LLC,

Counterclaim,
Cross-Claim, and
Third-Party Plaintiff,

v.

APOGEE ENTERPRISES, INC.,
APOGEE PENSION INVESTMENT
COMMITTEE, RUSSELL HUFFER,
ANTHONY NOWAK, DAVID BLANK,
GARY JOHNSON, RICHARD KRAUS,
SILVEROAK WEALTH
MANAGEMENT LLC, AND STATE
STREET BANK AND TRUST
COMPANY,

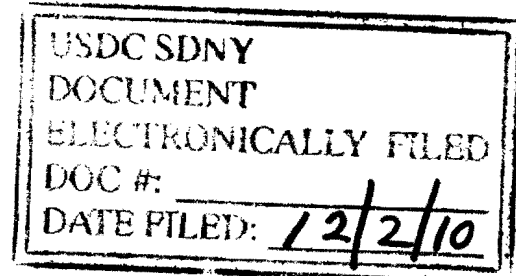
Counterclaim,
Cross-Claim, and
Third-Party Defendants

Case No. 08-MD-1945 (RJH)

Case No. 09-CV-1899 (RJH)

STIPULATION
CONCERNING SERVICE
AND ~~PROPOSED~~ ORDER

[Signature]



IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel for the parties that Faegre & Benson LLP hereby accepts service of the Third-Party Complaint in the above-captioned action on behalf of Third-Party Defendants the Apogee Pension Investment Committee, Russell Huffer, Anthony Nowak, David Blank, Gary Johnson, and Richard Kraus (the "Apogee Third-Party Defendants") and that the Apogee Third-Party Defendants hereby waive any defense in this action based upon insufficiency of process or insufficiency of service of process.

IT IS FURTHER STIPULATED AND AGREED that the Apogee Third-Party Defendants and Cross-Claim Defendant Apogee Enterprises, Inc. shall answer or otherwise respond to the Cross-Claims and Third-Party Complaint on or before December 14, 2010.

Dated: New York, New York
November 29, 2010

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP



By: Jonathan H. Hurwitz
(jhurwitz@paulweiss.com)
1285 Avenue of the Americas
New York, New York 10016-6064
Telephone: (212) 373-3000
Fax: (212) 492-0254

Attorneys for Counterclaim and Third-Party Complaint Plaintiff ING Institutional Plan Services LLC, f/k/a CitiStreet LLC

FAEGRE & BENSON LLP



By: Steven L. Severson (*pro hac vice*)
(sseverson@faegre.com)
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Telephone: (612) 766-7000
Fax: (612) 766-1600

Attorneys for Counterclaim and Third-Party Complaint Defendants Apogee Enterprises, Inc., Apogee Pension Investment Committee, Russell Huffer, Anthony Nowak, David Blank, Gary Johnson, and Richard Kraus

SO ORDERED:



Honorable Richard J. Holwell
United States District Judge

12/2/10

